

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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BRADLEY STEPHEN COHEN, et al.,

Case No. 2:12-cv-01401-JCM-PAL

Plaintiffs,

**ORDER**

v.

(Mot. Strike – Dkt. #302)

ROSS B. HANSEN, et al.,

Defendants.

This matter is before the Court on Plaintiffs Bradley Stephen Cohen and Cohen Asset Management, Inc.’s Motion to Strike Defendants’ Reply (Dkt. #302), filed December 29, 2015. This proceeding is referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(A) and LR IB 1-3 and 1-9 of the Local Rules of Practice. The Court has considered the Motion.

On December 8, 2015, Defendants Steven Earl Firebaugh, Ross B. Hansen, Northwest Territorial Mint, LLC filed a Motion to Instruct the Jury to Infer or Presume that Cohen’s Financial Records Contain Evidence Adverse to His Claim (Dkt. #289). Plaintiffs filed their Opposition (Dkt. #293) on December 14, 2015. According to the Court’s docket, Defendants’ reply brief was due by December 24, 2015. *See* Pls.’ Response (Dkt. #293). Defendants filed their Reply (Dkt. #301) on December 29, 2015. Because Defendants’ Reply was filed five days late, Plaintiffs argue that the Court should strike the filing.

Public policy strongly favors deciding disputes on the merits. *See, e.g., In re Phenylpropanolamine (PPA) Products Liability Litigation*, 460 F.3d 1217, 1248 (9th Cir. 2006) (citing *Forman v. Davis*, 371 U.S. 178, 181 (1962)) (stating it is “entirely contrary to the spirit of the Federal Rules of Civil Procedure for decisions on the merits to be avoided” because of “mere technicalities”). Defendants’ reply deadline fell on Christmas Eve. Plaintiffs do not argue they were somehow prejudiced by the five-day delay or that the Reply presented new arguments that

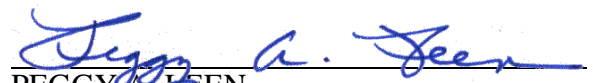
1 Defendants did not brief in the underlying motion. The reply is short. The issue raised in the  
2 motion involves jury instructions that are not typically settled until after the close of evidence.

3 Accordingly,

4 **IT IS ORDERED:**

- 5 1. Plaintiffs Bradley Stephen Cohen and Cohen Asset Management, Inc.'s Motion to  
6 Strike Defendants' Belated Reply (Dkt. #302) is DENIED.

7 Dated this 29th day of January, 2016.

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9 PEGGY A. LEEN  
10 UNITED STATES MAGISTRATE JUDGE  
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